

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case  
**10-CA-271297**Date Filed  
**1/12/21****INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer United States Postal Service		b. Tel. No. (404) 350-9193
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 1984 Howell Mill Rd GA Atlanta 30327	e. Employer Representative LeQuel Arthur Station Manager	g. e-Mail
		h. Number of workers employed 50
i. Type of Establishment (factory, mine, wholesaler, etc.) Others	j. Identify principal product or service Mail Delivery	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

--See additional page--

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

(b) (6), (b) (7)(C)

Title:

**4a. Address (Street and number, city, state, and ZIP code)**

(b) (6), (b) (7)(C)

4b. Tel. No.  
(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail  
(b) (6), (b) (7)(C)**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By  
(signature of representative or person making charge)Title: (b) (6), (b) (7)(C)  
(Print/type name and title or office, if any)

Address (b) (6), (b) (7)(C)

1/12/2021 16:50:44  
(date)Tel. No.  
(b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

e-Mail  
(b) (6), (b) (7)(C)**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

## Basis of the Charge

### 8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	Emergency Placement	(b) (6), (b) (7) /2020



January 14, 2021

Anna Cobb, Field Examiner  
National Labor Relations Board, Region 10  
233 Peachtree St. NE  
Harris Tower Ste. 1000  
Atlanta, GA 30303-1504

**VIA E-FILE**

RE: UNFAIR LABOR PRACTICE CHARGE  
Atlanta, GA 30327  
Case No.: 10-CA-271297  
Our Ref.: (b) (6), (b) (7)(C)

Dear Ms. Cobb:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at [Patricia.Delvecchio@usps.gov](mailto:Patricia.Delvecchio@usps.gov).

Very truly yours,

A handwritten signature in black ink, appearing to read "Roderick D. Eves".

Roderick D. Eves  
Deputy Managing Counsel

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**MENDED CHARGE AGAINST EMPLOYER**

**DO NOT WRITE IN THIS SPACE**

Case

Date Filed

10-CA-271297

February 1, 2021

charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer <b>United States Postal Service</b>		b. Tel. No. <b>404-350-9193</b>
d. Address (street, city, state ZIP code)  <b>1984 Howell Mill Rd Atlanta, GA 30327</b>	e. Employer Representative  <b>LeQuel Arthur, Station Manager</b>	f. Fax No.  g. e-Mail
i. Type of Establishment (factory, nursing home, hotel) <b>Post Office</b>		h. Dispute Location (City and State) <b>Atlanta, GA</b>
j. Principal Product or Service <b>Mail Delivery</b>		k. Number of workers at dispute location <b>50+</b>
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  <b>On about (b) (6), (b) (7)(C) 2020 and (b) (6), (b) (7)(C) 2021, the Employer disciplined or retaliated against (b) (6), (b) (7)(C) by placing (b) (6), (b) (7)(C) on emergency placement because (b) (6), (b) (7)(C) supported a labor organization and in order to discourage union activities and/or membership.</b>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number)  <b>National Association of Letter Carriers Branch 73</b>		
4a. Address (street and number, city, state, and ZIP code)  <b>1842 Candler Road Atlanta, GA 30032</b>		(b) (6), (b) (7)(C) 4c. Cell No. 4d. Fax No. 4. <b>(b) (6), (b) (7)(C)</b>
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge filed by labor organization) <b>National Association of Letter Carriers Branch 73</b>		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		
By: <b>(b) (6), (b) (7)(C)</b>	<b>(b) (6), (b) (7)(C)</b>	Tel. No. <b>(b) (6), (b) (7)(C)</b>
(sign _____ ng charge)	<b>(b) (6), (b) (7)(C)</b>	Office, if any, Cell No.
Address: <b>(b) (6), (b) (7)(C)</b>	Date: <b>1-20-2021</b>	Fax No.
		e-Mail <b>(b) (6), (b) (7)(C)</b>

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

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 File an original of this  
INSTRUCTIONS:





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 10  
401 W Peachtree St NW  
Suite 472  
Atlanta, GA 30308

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (404)331-2896  
Fax: (404)331-2858

March 19, 2021

Roderick D. Eves, Deputy Managing Counsel  
United States Postal Service  
1720 Market Street, Room 2400  
Law Department - NLRB Unit  
St. Louis, MO 63155-9989

Patricia Delvecchio, Paralegal Specialist  
United States Postal Service  
LAW DEPT - NLRB UNIT  
1720 Market Street, Room 2400  
St. Louis, MO 63155-9948

(b) (6), (b) (7)(C)

National Association of Letter Carriers, Branch 73  
1842 Candler Rd  
Atlanta, GA 30032

Re: United States Postal Service  
Case 10-CA-271297

Dear Mr. Eves, Ms. Delvecchio, and (b) (6), (b) (7)(C):

The Region has carefully considered the charge alleging that United States Postal Service violated the National Labor Relations Act. I have decided to dismiss the (b) (6), (b) (7)(C), 2021 Emergency Placement portion of the charge because the Step B Decision that issued on (b) (6), (b) (7)(C), 2021 resolved the grievance and meets the standards set forth in *Alpha Beta Co.*, 273 NLRB 1546 (1985) in that the proceedings were fair and regular, all parties agreed to be bound by the settlement, and the settlement was not repugnant to the Act.

As explained below, I have also decided that further proceedings on the remaining portions of the charge regarding your (b) (6), (b) (7)(C), 2020 Emergency Placement should be handled in accordance with the deferral policy of the National Labor Relations Board as set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This letter explains that deferral policy, the reasons for my decision to defer further processing of the charge, and the Charging Party's right to appeal my decision.

**Deferral Policy:** The Board's deferral policy provides that the Board will postpone making a final determination on a charge when a grievance involving the same issue can be processed under the grievance/arbitration provision of the applicable contract. This policy is partially based on the preference that the parties use their contractual grievance procedure to

achieve a prompt, fair, and effective settlement of their disputes. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Board's Regional Office will defer the charge.

**Decision to Defer:** Based on our investigation, I am deferring further proceedings on the remaining portions of the charge in this matter to the grievance/arbitration process for the following reasons:

1. The Employer and the National Association of Letter Carriers, Branch 73 have a collective bargaining agreement currently in effect that provides for final and binding arbitration.
2. The (b) (6), (b) (7)(C), 2020 Emergency Placement as alleged in the charge is encompassed by the terms of the collective bargaining agreement.
3. The Employer is willing to process a grievance concerning the issues in the charge, and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.
4. Since the issues in the charge appear to be covered by provisions of the collective bargaining agreement, it is likely that the issues may be resolved through the grievance arbitration procedure.

**Further Processing of the Charge:** As explained below, while the charge is deferred, the Regional office will monitor the processing of the grievance and, under certain circumstances, will resume processing of the charge.

*Charging Party's Obligation:* Under the Board's *Collyer* deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly submit the grievance to the grievance/arbitration process or declines to have the grievance arbitrated if it is not resolved, I may dismiss the charge.

*Charged Party's Conduct:* If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed, or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

*Monitoring the Dispute:* Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and if continued deferral is appropriate. However, at any time, a party may present evidence and request dismissal of the charge, continued deferral of the charge, or issuance of a complaint.

*Notice to Arbitrator Form:* If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the arbitrator sends the award to the parties.

*Review of Arbitrator's Award or Settlement:* If the grievance is arbitrated or settled, the Charging Party may ask the Board to review the arbitrator's award or settlement. The request must be in writing and addressed to me. If the request concerns an arbitrator's award, the request should analyze whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is consistent with the Act. Further guidance on this review is provided in *Spielberg Manufacturing Company*, 112 NLRB 1080 (1955) and *Olin Corp.*, 268 NLRB 573 (1984). If the request concerns a grievance settlement, see *Alpha Beta*, 273 NLRB 1546 (1985). These Board decisions are available on our website, [www.nlr.gov](http://www.nlr.gov).

*Change in Standards if Parties Agree to Submit Statutory Issue to Arbitrator:* If during the processing of the grievance the parties agree to authorize the arbitrator to decide the statutory issue, please advise me in writing.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlr.gov](http://www.nlr.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlr.gov](http://www.nlr.gov). If you require additional assistance with E-Filing, please contact [E-Filing@nlrb.gov](mailto:E-Filing@nlrb.gov)).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **April 2, 2021**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than April 1, 2021. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before April 2, 2021**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://www.nlr.gov), by fax to

March 19, 2021

(202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after April 2, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

A handwritten signature in black ink, appearing to read 'LH', with a long horizontal line extending to the right.

LISA Y. HENDERSON  
Acting Regional Director

Enclosures

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE TO ARBITRATOR**

TO: \_\_\_\_\_  
(Arbitrator)

\_\_\_\_\_  
(Address)

\_\_\_\_\_

NLRB Case Number  
**10-CA-271297**

NLRB Case Name: United States Postal Service

A determination has been made by the Regional Director of Region 10 of the National Labor Relations Board to administratively defer to arbitration the further processing of the NLRB charge in the above matter. Further, both parties to the NLRB case have agreed to proceed to arbitration before you in order to resolve the dispute underlying the NLRB charge.

So that the Regional Director can be promptly informed of the status of the arbitration, the undersigned hereby requests that a copy of the arbitration award be sent to Regional Director, Region 10, 401 W Peachtree St NW, Atlanta, GA 30308 at the same time that it is sent to the parties in the arbitration.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

I am appealing the action of the Regional Director in deferring the charge in

---

Case Name(s).

---

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

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*(Signature)*



## E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
  - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
  - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
  - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
  - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
  - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
  - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
  - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
  - The Charging Party will e-file this document as a supplement of the Appeal.
  - The Charged Party will specifically file one to support the Region's decision.
  - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
  - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case <b>10-CA-272726</b>	Date Filed <b>2/16/21</b>

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer <b>usps</b>		b. Tel. No. <b>912-748-4186</b>
		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) <b>1030 US-80 Pooler, GA 31322</b>	e. Employer Representative	
	g. e-mail	
	h. Number of workers employed <b>30?</b>	
i. Type of Establishment (factory, mine, wholesaler, etc.) <b>Postal</b>	j. Identify principal product or service <b>Stamps and mail</b>	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

**(b) (6), (b) (7)(C)** is the **(b) (6), (b) (7)(C)** for the Pooler Post Office. I have been **(b) (6), (b) (7)(C)** Since **(b) (6), (b) (7)(C)** I have only received 15-20 filed 15-20 grievances. I have only received the information for one grievance and it was 15 days after the fact. That grievance was for management writing me up. Management isn't bargaining in good faith. I have not received any Union time I've requested or interviews to process grievances. I have copies of everything. Management has also failed to meet on most of the grievances.

**3. Full name of national or international labor organization, give full name, including local name and number**

<b>(b) (6), (b) (7)(C)</b> Nalc Branch 578		4b. Tel. No. <b>(b) (6), (b) (7)(C)</b>
4a. Address (Street and number, city, state, and ZIP code) <b>(b) (6), (b) (7)(C)</b>		4c. Cell No. —
		4d. Fax No. —
		<b>(b) (6), (b) (7)(C)</b>

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

**Nalc Branch 578**

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

<b>(b) (6), (b) (7)(C)</b>		<b>(b) (6), (b) (7)(C)</b>
<b>(b) (6), (b) (7)(C)</b>		Office, if any, Cell No.
<b>(b) (6), (b) (7)(C)</b>		Fax No.
Address <b>(b) (6), (b) (7)(C)</b>		<b>(b) (6), (b) (7)(C)</b>

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

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February 17, 2021

Nathan Gilbert, Field Attorney  
National Labor Relations Board, Region 10  
233 Peachtree St., NE  
Harris Tower Ste. 1000  
Atlanta, GA 30303

**VIA E-MAIL**

RE: UNFAIR LABOR PRACTICE CHARGE  
Pooler, GA 31322  
Case No.: 10-CA-272726  
Our Ref.: (b) (6), (b) (7)(C)

Dear Mr. Gilbert:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at [Patricia.Delvecchio@usps.gov](mailto:Patricia.Delvecchio@usps.gov).

Very truly yours,

A handwritten signature in black ink, appearing to read "Roderick D. Eves".

Roderick D. Eves  
Deputy Managing Counsel



UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**FIRST AMENDED CHARGE AGAINST EMPLOYER****INSTRUCTIONS:****DO NOT WRITE IN THIS SPACE**

Case

Date Filed

10-CA-272726

**March 10, 2021**

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer United States Postal Service		b. Tel. No. (912) 748-4186
		c. Cell No.
d. Address (street, city, state ZIP code) 1030 US Highway 80 W, Pooler, GA 31322-2114	e. Employer Representative	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Pooler, GA
i. Type of Establishment (factory, nursing home, hotel) Post Office	j. Principal Product or Service Mail and Stamps	k. Number of workers at dispute location 8

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the last six months, the Employer has failed to bargain collectively and in good faith with NALC Local Branch 578, by refusing to allow (b) (6), (b) (7)(C) to use union time to process grievances and complaints.

During the last six months, the Employer has failed to bargain collectively and in good faith with NALC Local Branch 578, by refusing to timely provide and/or unreasonably delaying providing relevant and necessary information requested by (b) (6), (b) (7)(C) on several occasions.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

National Association of Letter Carriers, Branch 578

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

National Association of Letter Carriers

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

By:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(signature) person making charge)

Print Name and Title

Fax No.

Address:

(b) (6), (b) (7)(C)

Date:

e-Mail

(b) (6), (b) (7)(C)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

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UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

## INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
10-CA-272891	02/18/2021

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer <b>United States Postal Service</b>		b. Tel. No. (404) 370-8300
d. Address (street, city, state ZIP code)  520 West Ponce De Leon Ave GA Decatur 30030		c. Cell No.
e. Employer Representative  Tunya R Hill Postmaster		f. Fax No.
		g. e-Mail Tunya.R.Hill@usps.gov
		h. Number of workers at dispute location 150
i. Type of Establishment (factory, nursing home, hotel) Services	j. Principal Product or Service Delivery of Mail & Packages	
1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by failing to furnish information requested by the Union and/or by failing to furnish information requested by the Union in a timely manner as described on the following page.

3. Full name of party filing charge (if labor organization, give full name, including local name and number) APWU Local 3434	
4a. (b) (6), (b) (7)(C) number, city, state, and ZIP code	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail Apwnalc@bellsouth.net
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) APWU, AFL-CIO	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
(b) (6), (b) (7)(C)	Tel. No. (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) charge	Office, if any, Cell No.
(b) (6), (b) (7)(C)	Fax No.
Print Name and Title Date: 2/13/21	e-Mail Apwnalc@bellsouth.net

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure (b) (6), (b) (7)(C) information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

1



### BASIS OF CHARGE, Continued

(b) (6), (b) (7)(C)

2





February 19, 2021

Kurt Brandner, Field Attorney  
National Labor Relations Board, Region 10  
233 Peachtree ST NE  
Harris Tower, Suite 1000  
Atlanta, GA 30303-1531

**VIA E-MAIL**

RE: UNFAIR LABOR PRACTICE CHARGE  
Decatur, GA 30030  
Case No.: 10-CA-272891  
Our Ref.: (b) (6), (b) (7)(C)

Dear Mr. Brandner:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at [Patricia.Delvecchio@usps.gov](mailto:Patricia.Delvecchio@usps.gov).

Very truly yours,

A handwritten signature in black ink, appearing to read "Roderick D. Eves".

Roderick D. Eves  
Deputy Managing Counsel

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

INSTRUCTIONS: File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
10-CA-273202	02/24/2021

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer United States Postal Service		b. Tel. No. <b>678-433-0216</b>
		c. Cell No.
d. Address (street, city, state ZIP code). 850 Windy Hill Road, Smyrna, GA 30080	e. Employer Representative Ron Watson	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Smyrna, GA
i. Type of Establishment (factory, nursing home, hotel) Postal Office	j. Principal Product or Service Postal Service	k. Number of workers at dispute location 45

1. The above named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3), of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months, the Postal Service placed (b) (6), (b) (7)(C) on emergency placement because of (b) (6) union activities.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of

m (b) (6), (b) (7)(C)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

B.

(signature) person making charge)

(b) (6), (b) (7)(C)

Print Name and Title

Fax No.

Address: (b) (6), (b) (7)(C)

Date: 2/21/2021

e-Mail

(b) (6), (b) (7)(C)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

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February 25, 2021

Kerstin Meyers, Field Attorney  
National Labor Relations Board, Subregion 11  
233 Peachtree St NE  
Harris Tower, Suite 1000  
Atlanta, GA 30303-1504

**VIA E-FILE**

RE: UNFAIR LABOR PRACTICE CHARGE  
Smyrna, GA 30080  
Case No.: 10-CA-273202  
Our Ref.: (b) (6), (b) (7)(C)

Dear Ms. Meyers:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at [Patricia.Delvecchio@usps.gov](mailto:Patricia.Delvecchio@usps.gov).  
Very truly yours,

A handwritten signature in black ink, appearing to read "Roderick D. Eves".

Roderick D. Eves  
Deputy Managing Counsel



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 10  
401 W Peachtree St NW  
Suite 472  
Atlanta, GA 30308

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (404)331-2896  
Fax: (404)331-2858

March 10, 2021

(b) (6), (b) (7)(C)

Roderick D. Eves, Deputy Managing Counsel  
United States Postal Service  
1720 Market Street, Room 2400  
Law Department - NLRB Unit  
St. Louis, MO 63155-9989

Re: United States Postal Service  
Case 10-CA-273202

Dear (b) (6), (b) (7)(C) and Mr. Eves:

The Region has carefully considered the charge alleging that United States Postal Service violated the National Labor Relations Act. As explained below, I have decided that further proceedings on the charge should be handled in accordance with the deferral policy of the National Labor Relations Board as set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This letter explains that deferral policy, the reasons for my decision to defer further processing of the charge, and the Charging Party's right to appeal my decision.

**Deferral Policy:** The Board's deferral policy provides that the Board will postpone making a final determination on a charge when a grievance involving the same issue can be processed under the grievance/arbitration provision of the applicable contract. This policy is partially based on the preference that the parties use their contractual grievance procedure to achieve a prompt, fair, and effective settlement of their disputes. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Board's Regional Office will defer the charge.

**Decision to Defer:** Based on our investigation, I am deferring further proceedings on the charge in this matter to the grievance/arbitration process for the following reasons:

1. The Employer and the Union have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.

2. The Employer retaliated against (b) (6), (b) (7)(C) by placing (b) (6), (b) (7)(C) on emergency placement because of (b) (6), (b) (7)(C) grievance filing activities as alleged in the charge, and this allegation is encompassed by the terms of the collective-bargaining agreement.

3. The Employer is willing to process a grievance concerning the issues in the charge, and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.

4. Since the issues in the charge appear to be covered by provisions of the collective-bargaining agreement, it is likely that the issues may be resolved through the grievance/arbitration procedure.

**Further Processing of the Charge:** As explained below, while the charge is deferred, the Regional office will monitor the processing of the grievance and, under certain circumstances, will resume processing of the charge.

*Charging Party's Obligation:* Under the Board's *Collyer* deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly submit the grievance to the grievance/arbitration process or declines to have the grievance arbitrated if it is not resolved, I may dismiss the charge.

*Union/Employer Conduct:* If the Union or Employer fails to promptly process the grievance under the grievance/arbitration process; declines to arbitrate the grievance if it is not resolved; or if a conflict develops between the interests of the Union and the Charging Party, I may revoke deferral and resume processing of the charge.

*Charged Party's Conduct:* If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed, or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

*Monitoring the Dispute:* Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and if continued deferral is appropriate. However, at any time, a party may present evidence and request dismissal of the charge, continued deferral of the charge, or issuance of a complaint.

*Notice to Arbitrator Form:* If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the arbitrator sends the award to the parties.

*Review of Arbitrator's Award or Settlement:* If the grievance is arbitrated or settled, the Charging Party may ask the Board to review the arbitrator's award or settlement. The request must be in writing and addressed to me. If the request concerns

an arbitrator's award, the request should analyze whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is consistent with the Act. Further guidance on this review is provided in *Spielberg Manufacturing Company*, 112 NLRB 1080 (1955) and *Olin Corp.*, 268 NLRB 573 (1984). If the request concerns a grievance settlement, see *Alpha Beta*, 273 NLRB 1546 (1985). These Board decisions are available on our website, [www.nlr.gov](http://www.nlr.gov).

*Change in Standards if Parties Agree to Submit Statutory Issue to Arbitrator:* If during the processing of the grievance the parties agree to authorize the arbitrator to decide the statutory issue, please advise me in writing.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlr.gov](http://www.nlr.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlr.gov](http://www.nlr.gov). If you require additional assistance with E-Filing, please contact [e-Filing@nlrb.gov](mailto:e-Filing@nlrb.gov)).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **March 24, 2021**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 23, 2021. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before March 24, 2021**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://www.nlr.gov), by fax to



March 10, 2021

(202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after March 24, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

A handwritten signature in black ink, appearing to read 'LH', with a long horizontal stroke extending to the right.

LISA Y. HENDERSON  
Acting Regional Director

Enclosures

cc: Ron Watson, Representative  
United States Postal Service  
850 Windy Hill Road  
Smyrna, GA 30080

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE TO ARBITRATOR**

TO: \_\_\_\_\_  
(Arbitrator)

\_\_\_\_\_  
(Address)

\_\_\_\_\_

NLRB Case Number  
**10-CA-273202**

NLRB Case Name: United States Postal Service

A determination has been made by the Regional Director of Region 10 of the National Labor Relations Board to administratively defer to arbitration the further processing of the NLRB charge in the above matter. Further, both parties to the NLRB case have agreed to proceed to arbitration before you in order to resolve the dispute underlying the NLRB charge.

So that the Regional Director can be promptly informed of the status of the arbitration, the undersigned hereby requests that a copy of the arbitration award be sent to Regional Director, Region 10, 401 W Peachtree St NW, Atlanta, GA 30308 at the same time that it is sent to the parties in the arbitration.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

I am appealing the action of the Regional Director in deferring the charge in

---

Case Name(s).

---

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

---

*(Signature)*

## E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
  - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
  - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
  - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
  - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
  - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
  - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
  - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
  - The Charging Party will e-file this document as a supplement of the Appeal.
  - The Charged Party will specifically file one to support the Region's decision.
  - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
  - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

10-CA-273893

Date Filed

03/10/2021

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer United States Postal Service		b. Tel. No. (912) 748-4186
		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) 1030 US Highway 80 W, Pooler, GA 31322-2114	e. Employer Representative	g. e-mail
		h. Number of workers employed 8
i. Type of Establishment (factory, mine, wholesaler, etc.) Post Office	j. Identify principal product or service Mail and Stamps	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3), and (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the last six months, the Employer has retaliated against (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and other union members because of their grievance filings, participation in the grievance process, and other union and protected concerted activities.

During the last six months, the Employer has retaliated against (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) because (b) (6) filed an unfair labor practice charge against the Employer with the National Labor Relations Board.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)  
National Association of Letter Carriers, Branch 578

4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-mail (b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  
National Association of Letter Carriers

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (6), (b) (7)(C)

(Signature of representative or person making charge)

(Print/type name and title or office, if any)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

e-mail

(b) (6), (b) (7)(C)

Address (b) (6), (b) (7)(C)

Date (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

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March 11, 2021

Nathan Gilbert, Field Attorney  
National Labor Relations Board, Region 10  
233 Peachtree St., NE  
Harris Tower Ste. 1000  
Atlanta, GA 30303

**VIA E-MAIL**

RE: UNFAIR LABOR PRACTICE CHARGE  
Pooler, GA 31322  
Case No.: 10-CA-273893  
Our Ref.: (b) (6), (b) (7)(C)

Dear Mr. Gilbert:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at [Patricia.Delvecchio@usps.gov](mailto:Patricia.Delvecchio@usps.gov).

Very truly yours,

A handwritten signature in black ink, appearing to read "Roderick D. Eves".

Roderick D. Eves  
Deputy Managing Counsel



INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**

Case

**10-CA-274002**

Date Filed

**3/11/21****INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer USPS		b. Tel. No. (704) 577-0814
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 3900 Crown Rd GA Atlanta 30304	e. Employer Representative (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	g. e-Mail (b) (6), (b) (7)(C)@usps.gov
		h. Number of workers employed 250
i. Type of Establishment (factory, mine, wholesaler, etc.) Transportation	j. Identify principal product or service Mail & Packages	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

--See additional page--

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

(b) (6), (b) (7)(C)

Title: (b) (6), (b) (7)(C)

APWU Local #32

**4a. Address (Street and number, city, state, and ZIP code)**

(b) (6), (b) (7)(C)

**4b. Tel. No.**

(b) (6), (b) (7)(C)

**4c. Cell No.****4d. Fax No.****4e. e-Mail**

(b) (6), (b) (7)(C)

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

AFL-CIO

**6. DECLARATION**

I, (b) (6), (b) (7)(C), do hereby declare that the above charge and that the statements are true to the best of my knowledge and belief.

By \_\_\_\_\_  
(signature of representative or person making charge)

(b) (6), (b) (7)(C)

Title: (b) (6), (b) (7)(C)  
(Print/type name and title or office, if any)**Tel. No.**

(b) (6), (b) (7)(C)

**Office, if any, Cell No.****Fax No.****e-Mail**

(b) (6), (b) (7)(C)

Address

(b) (6), (b) (7)(C)

03/11/2021 04:41:40 PM

(date)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

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## Basis of the Charge

### 8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by failing to furnish information requested by the union.

Date of request	Employer representative	List items requested	Date refused
10/31/2020	(b) (6), (b) (7)(C)	Highway Contracts, PS 5429"s (Payment Forms)	11/15/2020



March 15, 2021

Kami Kimber, Field Examiner  
National Labor Relations Board, Region 10  
233 Peachtree St NE  
Harris Tower, Suite 1000  
Atlanta, GA 30303-1531

**VIA E-FILE**

RE: UNFAIR LABOR PRACTICE CHARGE  
Atlanta, GA 30304  
Case No.: 10-CA-274002  
Our Ref.: (b) (6), (b) (7)(C)

Dear Ms. Kimber:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at [Patricia.Delvecchio@usps.gov](mailto:Patricia.Delvecchio@usps.gov).

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Eves", with a stylized flourish at the end.

Roderick D. Eves  
Deputy Managing Counsel

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

10-CA-274086

Date Filed

3-12-2021

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer United States Postal Service		b. Tel. No. 404-325-3423
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 3104 Briarcliff Road Atlanta, Georgia 30345	e. Employer Representative Bobby Clark Falonda Woods	g. e-mail
		h. Number of workers employed 26
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service Deliver mail, packages	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Constantly removing the (b) (6), (b) (7)(C) out of (b) (6) work station. Grievances have been filed. Management agreed not to remove the (b) (6), (b) (7)(C) out of (b) (6) work station but continues to do so. (b) (6), (b) (7)(C)  
This is a violation of Article 17 of the National Agreement with the Postal Service. There are others that can be moved without violating the contract.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

National Association of Letter Carriers, Branch 73

## 4a. Address (Street and number, city, state, and ZIP code)

1842 Candler Road  
Decatur, Georgia 30032

## 4b. Tel. No.

404-284-4222

## 4c. Cell No.

## 4d. Fax No.

404-284-1993

## 4e. e-mail

nalcbr73@gmail.com

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 8. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Stephanie Matthews  
(signature of representative or person making charge)

Stephanie Matthews, NALC Br 73

(Print/type name and title or office, if any)

Address

1842 Candler Road  
Decatur, Ga 30032

Date

3/12/2021

## Tel. No.

(b) (6), (b) (7)(C)

## Office, if any, Cell No.

404-284-4222

## Fax No.

404-284-1993

## e-mail

(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



March 16, 2021

Kami Kimber, Field Examiner  
National Labor Relations Board, Region 10  
233 Peachtree St NE  
Harris Tower, Suite 1000  
Atlanta, GA 30303-1531

**VIA E-FILE**

RE: UNFAIR LABOR PRACTICE CHARGE  
Atlanta, GA 30345  
Case No.: 10-CA-274086  
Our Ref.: (b) (6), (b) (7)(C)

Dear Ms. Kimber:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at [Patricia.Delvecchio@usps.gov](mailto:Patricia.Delvecchio@usps.gov).

Very truly yours,

A handwritten signature in black ink, appearing to read "Roderick D. Eves".

Roderick D. Eves  
Deputy Managing Counsel

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**FIRST AMENDED CHARGE  
AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case  
10-CA-274086Date Filed  
4/23/21**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer

United States Postal Service

b. Tel. No. 404-325-3423

c. Cell No.

f. Fax No:

g. e-Mail

h. Number of workers employed  
26

d. Address (Street, city, state, and ZIP code)

3104 Briarcliff Rd.

Atlanta, GA 30345

e. Employer Representative

Bobby Clark

Falonda Woods

i. Type of Establishment (factory, mine, wholesaler, etc.)

Postal Service

j. Identify principal product or service  
mail delivery

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) \_\_\_\_\_ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

On about (b) (6), (b) (7)(C) 2021, the above-named Employer retaliated against its employee, (b) (6), (b) (7)(C), by removing (b) (6), (b) (7)(C) from the work schedule for 30 days without cause or reason, because of (b) (6), (b) (7)(C) position as a (b) (6), (b) (7)(C) and in order to discourage union activities.

Within the previous six months, the above-named Employer assigned employee, (b) (6), (b) (7)(C), to work outside (b) (6), (b) (7)(C) assigned work facility when other employees could have been assigned, in retaliation for (b) (6), (b) (7)(C) union activities, and in order to discourage union activities

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

National Association of Letter Carriers, Branch 73

4a. Address (Street and number, city, state, and ZIP code)

1842 Candler Rd.

Decatur, Georgia 30032

4b. Tel. No. 404-284-4222

4c. Cell No.

4d. Fax No. 404-284-1993

4e. e-Mail

nalcbr73@gmail.com

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

National Association of Letter Carriers AFL-CIO

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

Stephanie Matthews  
(signature of representative or person making charge)

Stephanie Matthews, Vice Pres.

(Print/type name and title or office, if any)

Tel. No.

404-284-4222

Office, if any, Cell No.

(b) (6), (b) (7)(C)

Fax No.

e-Mail

(b) (6), (b) (7)(C)

Address 1842 Candler Rd., Decatur, GA 30032

4/22/2021  
(date)**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 10  
401 W. Peachtree Street, NE  
Suite 2201  
Atlanta, GA 30308

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (404)331-2896  
Fax: (404)331-2858

May 17, 2021

Stephani Matthews  
National Association of Letter  
Carriers Branch 73  
1842 Candler Road  
Decatur, GA 30032

Re: United States Postal Service  
Case 10-CA-274086

Dear Ms. Matthews:

We have carefully investigated and considered your charge that United States Postal Service has violated the National Labor Relations Act and the Postal Reorganization Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

You allege that the United States Postal Service (USPS) violated Section 8(a)(1) and (3) of the Act by removing (b) (6), (b) (7)(C) from the work schedule for 30 days and assigning (b) (6), (b) (7)(C) to work outside (b) (6), (b) (7)(C) assigned facility in retaliation for (b) (6), (b) (7)(C) position as a Union steward and in order to discourage Union activities. The investigation revealed that the parties entered into settlement agreements to resolve grievances underlying both allegations in this case. Pursuant to those agreements, USPS agreed to make (b) (6), (b) (7)(C) whole for any loss of earnings and agreed not to assign (b) (6), (b) (7)(C) to work in other facilities in violation of the collective-bargaining agreement in the future.

I have reviewed the terms of these settlements and I find that they satisfy the Board's standards for deferring to such agreements set forth in *Alpha Beta Co.*, 273 NLRB 1546 (1985), petition for review denied sub nom. *Mahon v. NLRB*, 808 F.2d 1342 (9th Cir. 1987). See also *Postal Service*, 300 NLRB 196 (1990). The Region notes that the grievance settlement agreements were made pursuant to the grievance provisions of the parties' contract and that the issues resolved by the settlements are factually parallel to those raised in the unfair labor practice charge. Additionally, it appears from the evidence that the grievance proceedings were fair and regular and that the parties agreed to be bound to the terms of the agreement. Finally, the

investigation did not uncover evidence that the settlement agreements were repugnant to the policies and purposes of the Act. I am, therefore, refusing to issue complaint in this matter

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlrb.gov](http://www.nlrb.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlrb.gov](http://www.nlrb.gov). If you require additional assistance with E-Filing, please contact [e-Filing@nlrb.gov](mailto:e-Filing@nlrb.gov)).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **June 1, 2021**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than May 31, 2021. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before June 1, 2021**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlrb.gov](http://www.nlrb.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after June 1, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for

personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

A handwritten signature in black ink, appearing to read 'L. Henderson', with a long horizontal stroke extending to the right.

LISA Y. HENDERSON  
Acting Regional Director

Enclosure

cc: Bobby Clark  
United States Postal Service  
3104 Briarcliff Rd NE  
Atlanta, GA 30345-9998

Dallas G. Kingsbury, Acting Managing  
Attorney  
United States Postal Service  
Law Department - NLRB Unit  
1720 Market Street, Room 2400  
St. Louis, MO 63155-9948

Falonda Woods  
United States Postal Service  
3104 Briarcliff Rd NE  
Atlanta, GA 30345-9998

Patricia Delvecchio, NLRB Specialist  
United States Postal Service (Law  
Department - NLRB Unit)  
1720 Market St., Room 2400  
St. Louis, MO 63155-9948

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

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Case Name(s).

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Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

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*(Signature)*

## E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
  - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
  - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
  - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
  - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
  - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
  - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
  - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
  - The Charging Party will e-file this document as a supplement of the Appeal.
  - The Charged Party will specifically file one to support the Region's decision.
  - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
  - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case  
10-CA-274752Date Filed  
03-29-2021**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer United States Postal Service	b. Tel. No. (770) 717-3777
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 1605 Boggs Rd GA Duluth 30026	e. Employer Representative (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
	g. e-Mail (b) (6), (b) (7)(C)@usps.gov
	h. Number of workers employed 15
i. Type of Establishment (factory, mine, wholesaler, etc.) Services	j. Identify principal product or service Vehicle Repair and Maintenance
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  --See additional page--	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C) Title: (b) (6), (b) (7)(C), APWU American Postal Workers Union	
4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) National	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C)	
By (signature of representative or person making charge)	Title: (b) (6), (b) (7)(C), APWU (Printtype name and title or office, if any)
Address (b) (6), (b) (7)(C)	Tel. No. (b) (6), (b) (7)(C)
	Office, if any, Cell No.
	Fax No.
	e-Mail (b) (6), (b) (7)(C)
	03/27/2021 12:02:48 AM (date)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



## Basis of the Charge

### 8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by failing to furnish information requested by the union.

Date of request	Employer representative	List items requested	Date refused
09/30/2020	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) Clock rings	10/04/2020
10/16/2020	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) Clock Rings	10/22/2020
10/30/2020	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) Clock Rings	11/05/2020



March 30, 2021

Kerstin Meyers, Field Attorney  
National Labor Relations Board, Subregion 11  
233 Peachtree St NE  
Harris Tower, Suite 1000  
Atlanta, GA 30303-1504

**VIA E-FILE**

RE: UNFAIR LABOR PRACTICE CHARGE  
Duluth, GA 30026  
Case No.: 10-CA-274752  
Our Ref.: (b) (6), (b) (7)(C)

Dear Ms. Meyers:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at [Patricia.Delvecchio@usps.gov](mailto:Patricia.Delvecchio@usps.gov).  
Very truly yours,

A handwritten signature in black ink, appearing to read "R. Eves", with a stylized flourish at the end.

Roderick D. Eves  
Deputy Managing Counsel

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
SETTLEMENT AGREEMENT

IN THE MATTER OF  
United States Postal Service

Case 10-CA-274752

Subject to the approval of the Acting Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

**POSTING OF NOTICE** — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in conspicuous locations where notices to employees are customarily posted at its facility located at 1605 Boggs Road, Duluth, Georgia 30026 (North Metro VMF). If the Employer's place of business is currently closed and a substantial number of employees are not reporting to the facility due to the Coronavirus pandemic or is operating with less than a substantial complement of employees, the 60 consecutive day period for posting will begin when the Employer's place of business reopens and a substantial complement of employees have returned to work. For purposes of this notice posting, a substantial complement of employees is at least 50% of the total number of employees employed by the Employer prior to closing its business due to the Coronavirus pandemic. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

**COMPLIANCE WITH NOTICE** — The Charged Party will comply with all the terms and provisions of the Notice.

**NON-ADMISSIONS CLAUSE**—By entering into the Settlement Agreement, the charged party does not admit that it has violated the National Labor Relations Act

**SCOPE OF THE AGREEMENT** — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. This Agreement is applicable to only the North Metro VMF. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to this evidence.

**PARTIES TO THE AGREEMENT** — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

**AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY** — Counsel for the Charged Party authorizes the Centralized Compliance Unit at [complianceunit@nrlrb.gov](mailto:complianceunit@nrlrb.gov) to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes \_\_\_\_\_

No KE

KE (b) (5), (D) (f)  
5/26/21










Initials

Initials

**PERFORMANCE** — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

**NOTIFICATION OF COMPLIANCE** — Each party to this Agreement will notify the Centralized Compliance Unit in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

<b>Charged Party</b> <b>United States Postal Service</b>	<b>Charging Party</b> <b>American Postal Workers Union</b>																								
<table border="0"> <tr> <td>By:</td> <td>Name and Title</td> <td>Date</td> </tr> <tr> <td></td> <td></td> <td>5/26/21</td> </tr> <tr> <td colspan="3">Print Name and Title below</td> </tr> <tr> <td colspan="3">Kelly Elifson, Attorney USPS Law Department - NLRB Unit</td> </tr> </table>	By:	Name and Title	Date			5/26/21	Print Name and Title below			Kelly Elifson, Attorney USPS Law Department - NLRB Unit			<table border="0"> <tr> <td>By:</td> <td>Name and Title</td> <td>Date</td> </tr> <tr> <td></td> <td>(b) (6), (b) (7)(C)</td> <td>5/29/2021</td> </tr> <tr> <td colspan="3">Print Name and Title below</td> </tr> <tr> <td colspan="3">(b) (6), (b) (7)(C), APWU</td> </tr> </table>	By:	Name and Title	Date		(b) (6), (b) (7)(C)	5/29/2021	Print Name and Title below			(b) (6), (b) (7)(C), APWU		
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/s/ Lisa Y. Henderson																									
LISA Y. HENDERSON Acting Regional Director, Region 10																									

KE   
5/26/21

(To be printed and posted on official Board notice form)

**THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:**

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

**WE WILL NOT** interfere with, restrain, or coerce you in the exercise of the above rights.

**WE WILL NOT** fail to provide or unreasonably delay in providing the Union with information that is relevant and necessary to its role as your bargaining representative.

**WE WILL NOT** in any like or related manner interfere with, restrain, or coerce you in the exercise of your rights under Section 7 of the Act.

**WE HAVE** provided the Union with the information it requested on September 30, 2020, October 16, 2020, and October 30, 2020.

**United States Postal Service**

(Employer)

**Dated:** \_\_\_\_\_

**By:** \_\_\_\_\_

(Representative)

(Title)

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*The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/tty> (link is external), calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB.*

401 W. Peachtree Street, NE  
Suite 2201  
Atlanta, GA 30308

**Telephone:** (404)331-2896  
**Hours of Operation:** 8 a.m. to 4:30 p.m.

KE [REDACTED]

5/26/21

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**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE**

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Centralized Compliance Unit at [complianceunit@nrlb.gov](mailto:complianceunit@nrlb.gov).

KE [REDACTED]

5/26/21

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Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

## INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
10-CA-275849	04/19/2021

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer United States Postal Service	b. Tel. No. (912)653-3377
c. Address (street, city, state ZIP code) 298 Ledford Street, Pembroke, GA 31321	c. Cell No.
e. Employer Representative W. S. Acuff Postmaster	f. Fax No.
i. Type of Establishment (factory, nursing home, hotel) Post Office	g. e-Mail
j. Principal Product or Service Mail	h. Dispute Location (City and State) Pembroke, GA
	k. Number of workers at dispute location 10
1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since about April 16, 2021 the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening employees with retaliatory discipline for reporting (b) (6), (b) (7)(C) behavior to USPS management.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)	
4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No. (b) (6), (b) (7)(C)
By: (b) (6), (b) (7)(C) (signature of representative or person making charge)	Office, if any, Cell No.
(b) (6), (b) (7)(C) Print Name and Title	Fax No.
Date: 4-19-21	e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



April 21, 2021

Joseph Webb, Field Attorney  
National Labor Relations Board, Region 10  
1130 22<sup>nd</sup> Street  
S. Ridge Park Place, Ste. 3400  
Birmingham, AL 35205-2885

**VIA E-FILE**

RE: UNFAIR LABOR PRACTICE CHARGE  
Pembroke, GA 31321  
Case No.: 10-CA-275849  
Our Ref.: (b) (6), (b) (7)(C)

Dear Mr. Webb:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at [Patricia.Delvecchio@usps.gov](mailto:Patricia.Delvecchio@usps.gov).

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Eves", with a stylized flourish at the end.

Roderick D. Eves  
Deputy Managing Counsel



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 10  
401 W. Peachtree Street, NE  
Suite 2201  
Atlanta, GA 30308

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (404)331-2896  
Fax: (404)331-2858

July 21, 2021

(b) (6), (b) (7)(C)

Dallas G. Kingsbury, Acting Managing Attorney  
United States Postal Service  
Law Department - NLRB Unit  
1720 Market Street, Room 2400  
St. Louis, MO 63155-9948

Re: United States Postal Service  
Case 10-CA-275849

Dear (b) (6), (b) (7)(C) and Mr. Kingsbury:

The Region has carefully considered the charge alleging that United States Postal Service violated the National Labor Relations Act. As explained below, I have decided that further proceedings on the charge should be handled in accordance with the deferral policy of the National Labor Relations Board as set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This letter explains that deferral policy, the reasons for my decision to defer further processing of the charge, and the Charging Party's right to appeal my decision.

**Deferral Policy:** The Board's deferral policy provides that the Board will postpone making a final determination on a charge when a grievance involving the same issue can be processed under the grievance/arbitration provision of the applicable contract. This policy is partially based on the preference that the parties use their contractual grievance procedure to achieve a prompt, fair, and effective settlement of their disputes. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Board's Regional Office will defer the charge.

**Decision to Defer:** Based on our investigation, I am deferring further proceedings on the charge in this matter to the grievance/arbitration process for the following reasons:

1. The Employer and the Union have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.
2. The April 16, 2021 threat of more stringent enforcement of disciplinary rules in retaliation for protected concerted activity as alleged in the charge is encompassed by the terms of the collective-bargaining agreement.

3. The Employer is willing to process a grievance concerning the issues in the charge, and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.

4. Since the issues in the charge appear to be covered by provisions of the collective-bargaining agreement, it is likely that the issues may be resolved through the grievance/arbitration procedure.

**Further Processing of the Charge:** As explained below, while the charge is deferred, the Regional office will monitor the processing of the grievance and, under certain circumstances, will resume processing of the charge.

*Charging Party's Obligation:* Under the Board's *Collyer* deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly submit the grievance to the grievance/arbitration process or declines to have the grievance arbitrated if it is not resolved, I may dismiss the charge.

*Union/Employer Conduct:* If the Union or Employer fails to promptly process the grievance under the grievance/arbitration process; declines to arbitrate the grievance if it is not resolved; or if a conflict develops between the interests of the Union and the Charging Party, I may revoke deferral and resume processing of the charge.

*Charged Party's Conduct:* If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed, or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

*Monitoring the Dispute:* Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and if continued deferral is appropriate. However, at any time, a party may present evidence and request dismissal of the charge, continued deferral of the charge, or issuance of a complaint.

*Notice to Arbitrator Form:* If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the arbitrator sends the award to the parties.

*Review of Arbitrator's Award or Settlement:* If the grievance is arbitrated or settled, the Charging Party may ask the Board to review the arbitrator's award or settlement. The request must be in writing and addressed to me. If the request concerns an arbitrator's award, the request should analyze whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is consistent with the Act. Further guidance on

this review is provided in *Spielberg Manufacturing Company*, 112 NLRB 1080 (1955) and *Olin Corp.*, 268 NLRB 573 (1984). If the request concerns a grievance settlement, see *Alpha Beta*, 273 NLRB 1546 (1985). These Board decisions are available on our website, [www.nlr.gov](http://www.nlr.gov).

*Change in Standards if Parties Agree to Submit Statutory Issue to Arbitrator:* If during the processing of the grievance the parties agree to authorize the arbitrator to decide the statutory issue, please advise me in writing.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlr.gov](http://www.nlr.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlr.gov](http://www.nlr.gov). If you require additional assistance with E-Filing, please contact [E-Filing@nlrb.gov](mailto:E-Filing@nlrb.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **August 4, 2021**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than August 3, 2021. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before August 4, 2021**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after August 4, 2021, **even if it is**

**postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

LISA Y. HENDERSON  
Acting Regional Director

Enclosures

cc: Lewis Acuff, Postmaster  
United States Postal Service  
298 Ledford St  
Pembroke, GA 31321-4587



UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE TO ARBITRATOR**

TO: \_\_\_\_\_  
(Arbitrator)

\_\_\_\_\_  
(Address)

\_\_\_\_\_

NLRB Case Number  
**10-CA-275849**

NLRB Case Name: United States Postal Service

A determination has been made by the Regional Director of Region 10 of the National Labor Relations Board to administratively defer to arbitration the further processing of the NLRB charge in the above matter. Further, both parties to the NLRB case have agreed to proceed to arbitration before you in order to resolve the dispute underlying the NLRB charge.

So that the Regional Director can be promptly informed of the status of the arbitration, the undersigned hereby requests that a copy of the arbitration award be sent to Regional Director, Region 10, 401 W. Peachtree Street, NE, Atlanta, GA 30308 at the same time that it is sent to the parties in the arbitration.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

I am appealing the action of the Regional Director in deferring the charge in

---

Case Name(s).

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Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

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*(Signature)*

## E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
  - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
  - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
  - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
  - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
  - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
  - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
  - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
  - The Charging Party will e-file this document as a supplement of the Appeal.
  - The Charged Party will specifically file one to support the Region's decision.
  - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
  - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case <b>10-CA-276561</b>	Date Filed <b>May 4, 2021</b>

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer US Postal Service North Metro P&DC	b. Tel. No. 770-717-3451
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 1605 Boggs Road Duluth, GA 30026	e. Employer Representative Mark E. Wilson
	g. e-mail mark.e.wilson@usps.gov
	h. Number of workers employed 1200
i. Type of Establishment (factory, mine, wholesaler, etc.) Mail Processing Facility	j. Identify principal product or service Mail Processing Service
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3), (4), (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
1) On or about (b) (6), (b) (7)(C) 2021 the USPS by its officers, agents, and representatives has charged forced annual leave to myself, after I had retired from the USPS, from my annual leave balance.	
2) The USPS on (b) (6), (b) (7)(C)/21 issued a debt invoice in the amount of (b) (6), (b) (7)(C) for this same said 72 hours of leave.	
3) The USPS has further violates the Act, by failing and refusing to provide requested information related to the invoice, which is necessary for the investigation of my grievance on this issue.	
4) These actions are reprisal for my filing of charges with the NLRB in the past.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)	
4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No.
	4c. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No.
	4e. e-mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION	
I declare that I have read the above charge and that the statements (b) (6), (b) (7)(C) are true to the best of my knowledge and belief.	
(b) (6), (b) (7)(C) (Signature)	(b) (6), (b) (7)(C) (Print/type name and title or office, if any)
Address (b) (6), (b) (7)(C)	Date May 3, 2021
	Tel. No.
	Office, if any, Cell No. (b) (6), (b) (7)(C)
	Fax No.
	e-mail (b) (6), (b) (7)(C)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



May 5, 2021

Joseph Webb, Field Attorney  
National Labor Relations Board, Region 10  
1130 22<sup>nd</sup> Street  
S. Ridge Park Place, Ste. 3400  
Birmingham, AL 35205-2885

**VIA E-FILE**

RE: UNFAIR LABOR PRACTICE CHARGE  
Duluth, GA 30026  
Case No.: 10-CA-276561  
Our Ref.: (b) (6), (b) (7)(C)

Dear Mr. Webb:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at [Patricia.Delvecchio@usps.gov](mailto:Patricia.Delvecchio@usps.gov).

Very truly yours,

A handwritten signature in cursive script that reads "Dallas G. Kingsbury".

Dallas G. Kingsbury  
Acting Deputy Managing Counsel



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 10  
401 W. Peachtree Street, NE  
Suite 2201  
Atlanta, GA 30308

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (404)331-2896  
Fax: (404)331-2858

July 19, 2021

(b) (6), (b) (7)(C)

Re: United States Postal Service  
Case 10-CA-276561

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that United States Postal Service has violated the National Labor Relations Act and the Postal Reorganization Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that the Employer violated subsections 8(a)(3), (4) and (5) of the Act in connection with leave deductions and a related debt invoice seeking repayment of the leave you allege was improperly charged to you. You were charged for leave after you retired from the Employer. However, the investigation revealed that local management had not been advised about your retirement date and therefore charged you with leave for the remainder of the pay period. The evidence was insufficient to demonstrate that the Employer's actions were discriminatory, unlawfully motivated or in retaliation for any Union or other protected activity.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlr.gov](http://www.nlr.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlr.gov](http://www.nlr.gov). If you require additional assistance with E-Filing, please contact [e-Filing@nlrb.gov](mailto:e-Filing@nlrb.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.



July 19, 2021

**Appeal Due Date:** The appeal is due on **August 2, 2021**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than August 1, 2021. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before August 2, 2021**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after August 2, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



LISA Y. HENDERSON  
Acting Regional Director

Enclosure

cc: Mark E. Wilson, Representative  
United States Postal Service  
North Metro P&DC  
1605 Boggs Road  
Duluth, GA 30026-4600

Dallas G. Kingsbury, Acting Managing Attorney  
United States Postal Service  
Law Department - NLRB Unit  
1720 Market Street, Room 2400  
St. Louis, MO 63155-9948

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

---

Case Name(s).

---

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

---

*(Signature)*

## E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
  - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
  - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
  - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
  - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
  - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
  - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
  - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
  - The Charging Party will e-file this document as a supplement of the Appeal.
  - The Charged Party will specifically file one to support the Region's decision.
  - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
  - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
10-CA-276623	05-04-2021

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer United States Postal Service		b. Tel. No. 653 (912) 858-3377	(b) (6), (b) (7)
		c. Cell No.	
d. Address (street, city, state ZIP code) 298 Ledford Street, Pembroke, GA 31321	e. Employer Representative Luis Acuff Postmaster	f. Fax No.	
		g. e-Mail	
		h. Dispute Location (City and State) Pembroke, GA	
i. Type of Establishment (factory, nursing home, hotel) Postal Service	j. Principal Product or Service Mail	k. Number of workers at dispute location 20	

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since about April 20, 2021, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by interrogating employees regarding the underlying facts in unfair labor practice charges without providing them with Johnnie's Poultry assurances.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail (b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By: (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Tel. No. (b) (6), (b) (7)(C)
(signature of filing charge)	Print Name and Title	Office, if any, Cell No.
Address: (b) (6), (b) (7)(C)	Date:	Fax No.
(b) (6), (b) (7)(C)		e-Mail (b) (6), (b) (7)(C)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



May 10, 2021

Joseph Webb, Field Attorney  
National Labor Relations Board, Region 10  
1130 22<sup>nd</sup> Street  
S. Ridge Park Place, Ste. 3400  
Birmingham, AL 35205-2885

**VIA E-FILE**

RE: UNFAIR LABOR PRACTICE CHARGE  
Pembroke, GA 31321  
Case No.: 10-CA-276623  
Our Ref.: (b) (6), (b) (7)(C)

Dear Mr. Webb:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at [Patricia.Delvecchio@usps.gov](mailto:Patricia.Delvecchio@usps.gov).

Very truly yours,

A handwritten signature in cursive script, appearing to read "Dallas G. Kingsbury".

Dallas G. Kingsbury  
Acting Deputy Managing Counsel





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 10  
401 W. Peachtree Street, NE  
Suite 2201  
Atlanta, GA 30308

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (404)331-2896  
Fax: (404)331-2858

July 21, 2021

Dallas G. Kingsbury, Acting Managing Attorney  
United States Postal Service  
Law Department - NLRB Unit  
1720 Market Street, Room 2400  
St. Louis, MO 63155-9948

Re: United States Postal Service  
Case 10-CA-276623

Dear Mr. Kingsbury:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "LH", is written over a horizontal line.

LISA Y. HENDERSON  
Acting Regional Director

cc:

(b) (6), (b) (7)(C)

Luis Acuff, Postmaster  
United States Postal Service  
298 Ledford Street  
Pembroke, GA 31321

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**INSTRUCTIONS:** File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

**DO NOT WRITE IN THIS SPACE**

Case

Date Filed

10-CA-276942

05/11/2021

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer United States Postal Service (Mableton, GA)		b. Tel. No.
		c. Cell No.
d. Address (street, city, state ZIP code) 5284 Floyd Road SW, Mableton, GA 30126	e. Employer Representative Vonita Cabe, Post Master	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Mableton, GA
i. Type of Establishment (factory, nursing home, hotel) Postal office	j. Principal Product or Service Postal service	k. Number of workers at dispute location 60 - 90
l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3), of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
Within the past six months, the Postal Service has failed to process, or denied, (b) (6), (b) (7)(C) reassignment requests because of (b) (6), (b) (7)(C) union activities.		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)		
4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		4b. Tel. No.
		4c. Cell No. (b) (6), (b) (7)(C)
		4d. Fax No.
		4e. e-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)		
6. DECLARATION (b) (6), (b) (7)(C) and that the statements are true to the best of		Tel. No.
(b) (6), (b) (7)(C)		Office, if any, Cell No. (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) charge)		Fax No.
(b) (6), (b) (7)(C) Print Name and Title		e-Mail (b) (6), (b) (7)(C)
Date: 4-19-21		

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



May 14, 2021

Laura Evins, Field Attorney  
National Labor Relations Board, Region 10  
233 Peachtree St., NE  
Harris Tower-Suite 1000  
Atlanta, GA 30303

**VIA E-FILE**

RE: UNFAIR LABOR PRACTICE CHARGE  
Mableton, GA 30126  
Case No.: 10-CA-276942  
Our Ref.: (b) (6), (b) (7)(C)

Dear Ms. Evins:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at [Patricia.Delvecchio@usps.gov](mailto:Patricia.Delvecchio@usps.gov).

Very truly yours,

A handwritten signature in black ink, appearing to read "Dallas G. Kingsbury".

Dallas G. Kingsbury  
Acting Deputy Managing Counsel



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 10  
401 W. Peachtree Street, NE  
Suite 2201  
Atlanta, GA 30308

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (404)331-2896  
Fax: (404)331-2858

July 15, 2021

(b) (6), (b) (7)(C)

Re: United States Postal Service  
Case 10-CA-276942

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that United States Postal Service has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlr.gov](http://www.nlr.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlr.gov](http://www.nlr.gov). If you require additional assistance with E-Filing, please contact [e-Filing@nlrb.gov](mailto:e-Filing@nlrb.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **July 29, 2021**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than July 28, 2021. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

July 15, 2021

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before July 29, 2021**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after July 29, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



LISA Y. HENDERSON  
Acting Regional Director

Enclosure

cc: Vonita Cabe, Postmaster  
United States Postal Service  
5284 Floyd Road SW  
Mableton, GA 30126-9998

Dallas G. Kingsbury, Acting Managing Attorney  
United States Postal Service  
Law Department - NLRB Unit  
1720 Market Street, Room 2400  
St. Louis, MO 63155-9948

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

---

Case Name(s).

---

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

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*(Signature)*



## E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
  - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
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2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
  - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
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3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
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  - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
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5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
  - The Charging Party will e-file this document as a supplement of the Appeal.
  - The Charged Party will specifically file one to support the Region's decision.
  - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
  - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**

Case

Date Filed

**10-CA-277648****05-26-2021****INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer United States Postal Service		b. Tel. No. (706) 234-9456
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 1420 Martha Berry Blvd. GA Rome 30165	e. Employer Representative Tracy Huddleston Postmaster	g. e-Mail tracy.huddleston@usps.gov
		h. Number of workers employed 75
i. Type of Establishment (factory, mine, wholesaler, etc.) Transportation	j. Identify principal product or service Mail Delivery	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

--See additional page--

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**(b) (6), (b) (7)(C) Title: (b) (6), (b) (7)(C), Branch 536  
National Association of Letter Carriers (NALC)**4a. Address (Street and number, city, state, and ZIP code)**

(b) (6), (b) (7)(C)

4b. Tel. No.  
(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail  
(b) (6), (b) (7)(C)**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

AFL-CIO

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.  
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Office, if any, Cell No.

By  
(signature of representative or person making charge)Title: (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C), Branch 536  
(Print/type name and title or office, if any)

Fax No.

e-Mail  
(b) (6), (b) (7)(C)

Address (b) (6), (b) (7)(C)

05/26/2021 05:12:38 AM  
(date)**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

## **Basis of the Charge**

### **8(a)(5)**

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees.



June 3, 2021

Anna Cobb, Field Examiner  
National Labor Relations Board, Region 10  
233 Peachtree St. NE  
Harris Tower Ste. 1000  
Atlanta, GA 30303-1504

**VIA E-FILE**

RE: UNFAIR LABOR PRACTICE CHARGE  
Rome, GA 30161  
Case No.: 10-CA-277648  
Our Ref.: (b) (6), (b) (7)(C)

Dear Ms. Cobb:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at [Patricia.Delvecchio@usps.gov](mailto:Patricia.Delvecchio@usps.gov).

Very truly yours,

A handwritten signature in cursive script that reads "Dallas G. Kingsbury".

Dallas G. Kingsbury  
Acting Deputy Managing Counsel



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 10  
401 W. Peachtree Street, NE  
Suite 2201  
Atlanta, GA 30308

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (404)331-2896  
Fax: (404)331-2858

June 10, 2021

Dallas G. Kingsbury, Acting Managing Attorney  
United States Postal Service  
Law Department - NLRB Unit  
1720 Market Street, Room 2400  
St. Louis, MO 63155-9948

Re: United States Postal Service  
Case 10-CA-277648

Dear Mr. Kingsbury:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "LH", is written over a horizontal line.

LISA Y. HENDERSON  
Acting Regional Director

cc: Tracy Huddleston, Postmaster  
United States Postal Service  
1420 Martha Berry Blvd.  
Rome, GA 30165

(b) (6), (b) (7)(C), (b) (6), (b) (7)(C), Branch 536  
National Association of Letter Carriers  
(b) (6), (b) (7)(C)

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**

Case

Date Filed

**10-CA-277885****06-01-2021****INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer usps		b. Tel. No. (678) 433-0216
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 850 Windy Hill Rd GA Smyrna 30080	e. Employer Representative ron watson Ron Watson	g. e-Mail
		h. Number of workers employed 100
i. Type of Establishment (factory, mine, wholesaler, etc.) Services	j. Identify principal product or service mail	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 1,4,3,5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

--See additional page--

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

(b) (6), (b) (7)(C)

Title:

**4a. Address (Street and number, city, state, and ZIP code)**

(b) (6), (b) (7)(C)

**4b. Tel. No.**

(b) (6), (b) (7)(C)

**4c. Cell No.****4d. Fax No.****4e. e-Mail**

(b) (6), (b) (7)(C)

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

By

(signature of representative or person making charge)

(b) (6), (b) (7)(C)

Title:

(Print/type name and title or office, if any)

**Tel. No.**

(b) (6), (b) (7)(C)

**Office, if any, Cell No.****Fax No.****e-Mail**

(b) (6), (b) (7)(C)

Address

(b) (6), (b) (7)(C)

05/30/2021 07:56:24 AM

(date)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



## Basis of the Charge

### 8(a)(4)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) filed charges or cooperated with the NLRB.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	failure to offer limited	(b) (6), (b) (7) /2021

### 8(a)(3)

Within the previous six-months, the Employer has refused to reinstate an employee(s) after an unconditional offer to return to work.

Name of employees denied reinstatement or recall	Approximate Date restatement or recall denied
(b) (6), (b) (7)(C)	(b) (6), (b) (7) /2021

### 8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening to retaliate against employees if they joined or supported a union.

Name of Employer's Agent/Representative who made the statement	Approximate date
(b) (6), (b) (7)(C)	(b) (6), (b) (7) /2020

### 8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prevent or discourage employees from forming, joining, or supporting a labor organization.

### 8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prevent or discourage employees from contacting and/or filing charges with the National Labor Relations Board.

### 8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by making unilateral changes in terms and conditions of employment.

List Changes	Approximate date of change
limited job assignment	(b) (6), (b) (7) /2021



June 4, 2021

Kami Kimber, Field Examiner  
National Labor Relations Board, Region 10  
233 Peachtree St NE  
Harris Tower, Suite 1000  
Atlanta, GA 30303-1531

**VIA E-FILE**

RE: UNFAIR LABOR PRACTICE CHARGE  
Smyrna, GA 30080  
Case No.: 10-CA-277885  
Our Ref.: (b) (6), (b) (7)(C)

Dear Ms. Kimber:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Patricia Delvecchio of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Delvecchio at the address below. Additionally, Ms. Delvecchio may be reached at 727-464-2913 or via email at [Patricia.Delvecchio@usps.gov](mailto:Patricia.Delvecchio@usps.gov).

Very truly yours,

A handwritten signature in cursive script that reads "Dallas G. Kingsbury".

Dallas G. Kingsbury  
Acting Deputy Managing Counsel



INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**FIRST AMENDED CHARGE  
AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case  
**10-CA-277885**Date Filed  
**6/8/21****INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer United States Postal Service		b. Tel. No. 678-433-0216
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 850 Windy Hill Rd., Smyrna, GA 30080	e. Employer Representative Ron Watson Postmaster	g. e-Mail
		h. Number of workers employed 100
i. Type of Establishment (factory, mine, wholesaler, etc.) Postal Service	j. Identify principal product or service Mail Delivery	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3, and 4 _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Since about (b) (6), (b) (7)(C), 2021, the above-named Employer retaliated against (b) (6), (b) (7)(C) by refusing to process (b) (6), (b) (7)(C) on the job injury claim, refusing to pay (b) (6), (b) (7)(C) continuous pay following an on-the-job injury, and refusing to allow (b) (6), (b) (7)(C) to perform limited duty work, because (b) (6), (b) (7)(C) engaged in Union activities and to discourage other employees from engaging in Union activities.

Since about (b) (6), (b) (7)(C) 2021, the above-named Employer retaliated against (b) (6), (b) (7)(C) by refusing to process (b) (6), (b) (7)(C) on the job injury claim, refusing to pay (b) (6), (b) (7)(C) continuous pay following an on-the-job injury, and refusing to allow (b) (6), (b) (7)(C) to perform limited duty work because (b) (6), (b) (7)(C) filed charges or cooperated with the NLRB

(b) (6), (b) (7)(C) party filing charge (if labor organization, give full name, including local name and number)

4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail (b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

<b>6. DECLARATION</b>		Tel. No. (b) (6), (b) (7)(C)
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Office, if any, Cell No.
By (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Fax No.
(Signature)	(Print/type name and title or office, if any)	e-Mail (b) (6), (b) (7)(C)
Address (b) (6), (b) (7)(C)		

06/04/21  
(date)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 10  
401 W. Peachtree Street, NE  
Suite 2201  
Atlanta, GA 30308

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (404)331-2896  
Fax: (404)331-2858

July 14, 2021

(b) (6), (b) (7)(C)

Re: United States Postal Service  
Case 10-CA-277885

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that United States Postal Service has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlr.gov](http://www.nlr.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlr.gov](http://www.nlr.gov). If you require additional assistance with E-Filing, please contact [e-Filing@nlrb.gov](mailto:e-Filing@nlrb.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **July 28, 2021**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than July 27, 2021. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before July 28, 2021**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after July 28, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



LISA Y. HENDERSON  
Acting Regional Director

Enclosure

cc: Ron Watson, Postmaster  
United States Postal Service  
850 Windy Hill Rd  
Smyrna, GA 30080

Dallas G. Kingsbury, Acting Managing Attorney  
United States Postal Service  
Law Department - NLRB Unit  
1720 Market Street, Room 2400  
St. Louis, MO 63155-9948

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

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Case Name(s).

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Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

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*(Signature)*



## E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
  - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
  - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
  - Only **one (1) Appeal** can be e-filed to **each** determination in the Region's decision letter that is received.
  - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
  - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
  - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
  - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
  - The Charging Party will e-file this document as a supplement of the Appeal.
  - The Charged Party will specifically file one to support the Region's decision.
  - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
  - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.